இணைப்பு III.

[366 ஆம் பக்கத்தில் இனம் 5 (1)-க்கான அடிக்குறிப்பைக் காண்க.]

L.A. BILL No. 10 of 1984
(As passed by the Assembly.)

A Bill to amend the Tamil Nadu Stage Carriages and Contract Carriages (Acquistion) Act, 1973.

Whereas the Legislature of the State of Tamil Nadu enacted the Tamil Nadu Stage Carriages and Contract Carriages (Acquisition) Act, 1973 (Tamil Nadu Act 12 of 1973) to provide for the acquisition of stage carriages and contract carriages in the State of Tamil Nadu;

And whereas the Stage Carriages in the Nilgiris district were acquired under the said Act on the 14th January 1973;

And whereas by reason of the orders of the Court, the said Act could not be further implemented in the State;

And whereas the Supreme Court, by its decision, dated the 31st October 1983 upheld the validity of the said Act;

And whereas the Supreme Court has observed that however, as some portions of the Act, in view of the timelag, might have become out of date, a few consequential amendments might have to be made;

And whereas with a view to make necessary consequential amendments, it is considered expedient to amend the said Act suitably;

Be it enacted by the Legislature of the State of Tamil Nadu in the Thirtyfifth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Tamil Nadu Stage Carriages and Contract Carriages (Acquisition) Amendment Act, 1984.

(2) It shall be deemed to have come into force on the 28th January 1984.

2. *Amendment of preamble to Tamil Nadu Act 12 of 1973.*— In the preamble to the Tamil Nadu Stage Carriages and Contract Carriages (Acquisition) Act, 1973 (Tamil Nadu Act 12 of 1973) (hereinafter referred to as the principal Act), for the third paragraph, the following paragraphs shall be substituted, namely:—

" *And whereas* it is necessary in the public interest to acquire all passenger transport divisions of all the stage carriage operators and the contract carriage operators in a phased programme;

" *And whereas* in the case of the Nilgiris district, all passenger transport divisions of all the stage carriage operators have already been acquired on the 14th January 1973;

And whereas in the case of other districts all passenger transport divisions of all the stage carriage operators have to be acquired in a phased programme subject to certain exemptions;

And whereas the contract carriages in all the districts have to be acquired in a phased programme;".

3. *Amendment of section* 1, *Tamil Nadu Act* 12 *of* 1973.—In section 1 of the principal Act, for sub-sections (3) and (4), the following sub-sections shall be substituted, namely:—

"(3) (a) It shall apply to all stage carriages operating in the Nilgiris district on the 14th January 1973.

(b) It shall apply to all stage carriages in the other districts of the State (other than the Nilgiris district) and to contract carriages operating in the whole of the State including the Nilgiris district on such date as the Government may, by notification, appoint.

(4) *(a)* This Act shall, in relation to its application to the stage carriages in the Nilgiris district, be deemed to have come into force on the 14th January 1973.

(b) This Act shall,—

(i) in relation to its application to the stage carriages in all the listricts other than the Nilgiris district; and

(ii) in relation to its application to the contract carriages in all the districts including the Nilgiris district,

come into force on such date as the Government may, by notification, appoint; and different dates may be appointed for different districts and for different provisions of this Act."

4. *Amendment of section 2, Tamil Nadu Act* 12 *of* 1973.—For Clause (*a*) of sub-section (2) of section 2 of the principal Act, the following clause shall be substituted, namely :—

"(*a*) The acquisition of stage carriages shall commence with the Nilgiris district and in the case of other districts, the acquisition of stage carriages shall commence with the district wherein comparatively fewer number of stage carriages with primary permits issued in the district are operating and such acquisition shall thereafter be made in the other districts in accordance with the same principle on the date of every such acquisition."

5. *Amendment of section* 14, *Tamil Nadu Act* 12 *of* 1973.—In section 14 of the principal Act.—

(*a*) in the first paragraph, for the expression "within the period specified in section 2, no person shall on or after the 14th January 1973 apply for any new permit or for renewal of the existing permit for the running of any stage carriage or contract carriage in this State", the following expression shall be substituted, namely :—

"no person shall,—

(i) in the case of the Nilgiris district in respect of Stage Carriage on or after the 14th January 1973 ;

(ii) in the case of other districts other than the Nilgiris district in respect of stage carriage and in the case of all districts including the Nilgiris district in respect of contract carriage, on or after the date appointed under sub-section (4) of section 1,

apply for any new permit or for renewal of the existing permit for the running of any stage carriage or contract carriage, as the case may be, in this State" ;

(*b*) the portion commencing with the words "The authority or officer empowered" and ending with the words "and to no other" shall be omitted ;

(*c*) in the second paragraph, for the portion commencing with the words "Every application for the grant of a new permit" and ending with the words "shall abate" the following shall be substituted, namely :—

"Every application for the grant of a new permit or for the renewal of an existing permit and all appeals or revisions arising therefrom or relating thereto made or preferred,—

(i) in the case of the Nilgiris district in respect of stage carriage before the 14th January 1973 ;

(ii)in the case of other districts other than the Nilgiris district in respect of stage carriage and in the case of all districts including the Nilgiris district in respect of contract carriage before the date appointed under sub-section (4) of section 1,

and pending in any court or with any officer, authority or Tribunal constituted under the Motor Vehicles Act on the 14th January 1973 or as the case may be, on the date appointed under sub-section (4) of section 1, shall abate. ".

6. *Amendment of section* 15, *Tamil Nadu Act* 12 *of* 1973.—In section 15 of the principal Act,—

(i) in the marginal heading, for the expression " on or after the 14th January 1973 and before the notified date ", the expression, " in certain cases " shall be substituted ;

(ii) for the expression " No person shall on or after the 14th January 1973 ", the following expression shall be substituted, namely :—

"No person shall,—

(i) in the case of the Nilgiris district, in respect of stage carriage on or after the 14th January 1973 ;

(ii) in the case of other districts other than the Nilgiris district in respect of stage carriage and in the case of all districts including the Nilgiris district in respect of contract carriage on or after the date appointed under sub-section (4) of section 1 " ;

(iii) the following proviso, shall be added, namely :—

" Provided that nothing contained in this section shall entitle any small operator referred to in section 26 to acquire any stage carriage by transfer if consequent upon such transfer he is likely to hold stage carriage permits in excess of the exempted limit specified in the *Explanation* to the said section 26. "

7. *Amendment of section* 16, *Tamil Nadu Act* 12 *of* 1973.—In section 16 of the principal Act, in the proviso, for the expression "at any time (whether before, on or after the 14th January 1973) ", the following expression shall be substituted, namely :—

" at any time, in the case of the Nilgiris district in respect of stage carriage (whether before, on or after the 14th January 1973), in the case of other district, other than the Nilgiris district in

respect of stage carriage and in the case of all districts including the Nilgiris district in respect of contract carriage [whether before on or after the date appointed under sub-section (4) of section 1] ".

8. *Amendment of section* 20, *Tamil Nadu Act* 12 *of* 1973.—In section 20 of the principal Act,—

(1) in sub-section (3),—

(*a*) for the expression " immediately before, the 14th January 1973 ", the expression " in the case of the Nilgiris district, in respect of stage carriage, immediately before the 14th January 1973, in the case of any other district other than the Nilgiris district. in respect of stage carriage, and in all districts including the Nilgiris district in respect of contract carriage, immediately before the date appointed under sub-section (4) of section 1 " shall be substituted ;

(*b*) for the first proviso, the following proviso shall be substituted, namely :—

" Provided that the number of workmen that shall become employees of the Corporation or Company or the State Transport Department of the Government under this sub-section shall not exceed the following scale, the juniormost being excluded :—

		Scale per Vehicle.
1. Drivers	..	2.50
2. Conductors	..	2.50
3. Technical Staff and Supervisors	..	1.50
4. Others	..	1.00

(2) in sub-section (4) for the expression " immediately before the 14th January 1973 the expression " in the case of the Niligiris district, in respect of stage carriage, immediately before the 14th January 1973, in the case of any other district other than the Nilgiris district, in respect of stage carriage and in all districts including the Nilgiris district in respect of contract carriage, immediately before the date appointed under sub-section (4) of section 1 " shall be substituted ;

(3) in sub-section (8), for the expression "immediately before, the 14th January 1973", the expression "in the case of the Nilgiris district in respect of stage carriage, immediately before the 14th January 1973, in the case of any other district other than the Nilgiris district, in respect of stage carriage and in all districts including the Niligiris district in respect of contract carriage immediately before the date appointed under sub-section (4) of section 1" shall be substituted.

9. *Amendment of section* 26, *Tamil Nadu Act* 12 *of* 1973.—In section 26 of the principal Act,—

(1) in clause (a), in item (iii), for the words "any company" the words "any corporation or company" shall be substituted ;

(2) in clause *(b)* ,the word "or" shall be added at the end ;

(3) after clause (b), the following clause, *Explanation* and proviso shall be added, namely :—

"*(c)* any stage carriage owned, held or operated by any small operator in districts other than in the Nilgiris district.

Explanation.—For the purposes of clause (*c*) "small operator" means any stage carriage operator holding on the 28th January 1984 or on any date subsequent to that date five or less stage carriage permits notwithstanding that all or any stage carriage permits had expired after that date. A new entrant may apply for a stage carriage permit subject to the limits specified in this *Explanation.*

Provided that in computing the number of stage carriage permits for the purposes of caluse (*c*),—

(i) the number of permits in respect of reserve vehicles kept by the stage carriage operator to maintain the service; or

(ii) the number of temporary permits granted under clause (*a*), clause (*b*) or clause (*c*) of sub-section (1) of section 62 of the Motor Vehicles Act,

shall be excluded.".

10. *Omission of First Schedule, Tamil Nadu Act* 12 *of* 1973.—The First Schedule to the principal Act shall be omitted.

11. *Repeal and saving.*—(1) The Tamil Nadu Stage Carriages and Contract Carriages (Acquisition) Amendment Ordinance, 1984 (Tamil Nadu Ordinance 4 of 1984) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

இணைப்பு IV

[398 ஆம் பக்கத்தில் இனம் 5 (2)-க்கான அடிக்குறிப்பைக் காண்க.]

L.A. BILL No. 40 OF 1983.

(As passed by the Assembly.)

A Bill further to amend the Madras City Police Act, 1888 *and the Tamil Nadu District Police Act,* 1859.

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirty-fifth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Madras City Police and the Tamil Nadu District Police (Amendment) Act, 1984.

(2) It shall be deemed to have into force on the 16th December 1983.

2. *Insertion of new section* 41-*A in Tamil Nadu Act III of* 1888.—In the Madras City Police Act, 1888 (Tamil Nadu Act III of 1888) (hereinafter referred to as the principal Act), after section 41, the following section shall be inserted, namely:—

" 41-A. *Power to prohibit drill or training by five or more persons, etc.*—(1) (*a*) The Commissioner may, whenever he considers it necessary so to do for the preservation of the public peace or public safety or for the maintenance of public order, by order in writing prohibit the holding of, or taking part in, any drill with arms or training with arms by five or more persons in any place, whether public or private, or the carrying of arms in any procession.